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The Honorable Spencer Abraham  
Secretary of Energy  
U.S. Department of Energy  
1000 Independence Ave. SW  
Washington, D.C. 20585

SEP 04 2001

Dear Secretary Abraham:

As a physicist, I greatly appreciate the difficulty in finding a suitable permanent site for high-level nuclear waste storage. Suitable, safe storage is the major obstacle to the implementation of nuclear power. Given the seriousness of such a decision and the impact that it has not only on the residents near the site but also on those living along the transportation corridors, I object to the lack of proper, reasonable notice and opportunity for public hearing on the DOE's site recommendation of Yucca Mountain for a national high-level nuclear waste repository.

Given the busy schedules of most citizens, 30 days is a woefully inadequate for people to digest such a lengthy document ("Yucca Mountain Preliminary Site Suitability Evaluation"), let alone to learn even of its existence. It certainly gives the appearance that it cannot stand scrutiny.

Only brief notice is given to Nevada residents: there appears to be no opportunity for comment by those living along the transportation routes, be they rail or highway. A few meetings in Nevada is certainly inadequate to address these needs.

Further evidence that you are trying to avoid any meaningful public input is the fact that after the short notice, you changed the location and provided an incorrect address for the replacement meeting site. This at the beginning of the long Labor Day weekend when most people are not attuned to checking public notices for errors.

Finally, the notices your agency published in the Federal Register on August 21, 27 and 31, that the public is not clearly advised that these are public hearings on your agency's decision to recommend Yucca Mountain as the site for a national high-level nuclear waste repository.

People reading the notice are given the impression that these are just hearings on the preliminary site suitability evaluation. Even then, your notice gave too little time to read, assimilate, respond, and make plans to attend the few hearings in Nevada made it impossible for ordinary citizens to have any meaningful participation in such meetings.

There is no doubt that, no matter what provisions may be in the Nuclear Waste Policy Act, the United States Constitution's Fifth Amendment requires that citizens must have at least reasonable notice and an opportunity to be heard on a decision such as this one. Your agency's actions in this regard have not come even close to meeting the most minimal constitutional protections of citizens' rights to due process in this instance.

In brief, our rights have been violated: We call on you to reschedule these hearings with adequate notice and a meaningful opportunity to be heard by all the people who will be affected by your agency's recommendation of Yucca Mountain as the national high-level waste repository.

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Sincerely,

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cc: Lake Barrett, Acting Director  
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